

## 46 Am. Jur. 2d Judges § 105

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### Judges

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### IX. Disqualification to Act in Particular Case

#### B. Grounds for Disqualification

##### 2. Interests as Grounds for Disqualification

##### b. Particular Interests as Grounds for Disqualification

##### (4) Other Interests as Disqualifying

## § 105. Judge's status as officer of municipality as grounds for disqualification

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  42, 44

There may be a violation of due process where offenders of a state statute are tried by the mayor of a municipality without a jury, and the statute provides for dividing large fines imposed by it between the state and the municipality, thus giving the mayor a strong motive to convict a defendant and impose a heavy fine in order to aid the financial condition of the municipality in which he or she is interested in his or her representative capacity. However, the mere fact that a mayor is given judicial power to try persons accused of misdemeanors or the violation of municipal ordinances does not violate due process of law, since the minor penalties usually attaching to such offenses do not involve any such addition to the revenue of the municipality as to justify the fear that he or she will be influenced in his or her judicial judgment by that fact.<sup>1</sup>

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### Footnotes

- 1 [Tumey v. State of Ohio](#), 273 U.S. 510, 47 S. Ct. 437, 71 L. Ed. 749, 5 Ohio L. Abs. 159, 5 Ohio L. Abs. 185, 50 A.L.R. 1243 (1927).

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